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REMARKS

In the Non-Final Office Action, Examiner Phan rejected pending claims 1-20 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Phan rejected claims 1, 4, 11, 12, 14, 17, 18 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,701,161 B1 to *Wendling*

The Applicant has considered Examiner Phan's remarks concerning the patentability of claims 1, 4, 11, 12, 14, 17, 18 and 20 over *Wendling*. The Applicant has also read *Wendling*. To warrant this anticipation rejection of claims 1, 4, 11, 12, 14, 17, 18 and 20, *Wendling* must show each and every limitation of independent claims 1, 12 and 18 in as complete detail as is contained in claims 1, 12 and 18. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1, 4, 11, 12, 14, 17, 18 and 20, because *Wendling* teaches away from "receiving a mobile phone identification number sent in response to a radio button activation" and "activating an operations mode in response to the received mobile phone identification number" as recited in independent claim 1; "computer program code to receive a mobile phone identification number sent in response to a radio button activation" and "computer program code to activate an operations mode in response to the received mobile phone identification number" as recited in independent claim 12; and "means for receiving a mobile phone identification number sent in response to a radio button activation" and "means for activating an operations mode in response to the received mobile phone identification number" as recited in independent claim 18.

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Specifically, *Wendling* teaches a radio telephone OS that functions as a radio via radio buttons when radio telephone OS is connected to a base device BD as illustrated in FIGS. 1 and 3. Conversely, *Wendling* teaches radio telephone OS functions as a mobile telephone via mobile telephone buttons when radio telephone OS is not connected to based device BD as illustrated in FIGS. 4a and 4b. See, *Wendling* at column 7, line 39 to column 8, line 44. As such, *Wendling* teaches base device BD receiving a mobile phone identification number via the mobile telephone buttons when radio telephone OS is operating as a mobile telephone (FIGS. 4a and 4b), and teaches away from base device BD receiving a mobile phone identification number via radio buttons when radio telephone OS is operating as a radio (FIGS. 1 and 2) as required by independent claims 1, 12 and 18.

Withdrawal of the rejection of independent claims 1, 12 and 18 under 35 U.S.C. §102(e) as being anticipated by *Wendling* is therefore respectfully requested.

Claims 4 and 11 depend from independent claim 1. Therefore, dependent claims 4 and 11 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4 and 11 are allowable over *Wendling* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling*. Withdrawal of the rejection of dependent claims 4 and 11 under 35 U.S.C. §102(e) as being anticipated by *Wendling* is therefore respectfully requested.

Claims 14 and 17 depend from independent claim 12. Therefore, dependent claims 14 and 17 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 17 are allowable over *Wendling* for at least the same reason as set forth with respect to independent claim 12 being allowable over *Wendling*. Withdrawal of the rejection of dependent claims 14 and 17 under 35 U.S.C. §102(e) as being anticipated by *Wendling* is therefore respectfully requested.

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Claim 20 depends from independent claim 18. Therefore, dependent claim 20 includes all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claim 20 is allowable over *Wendling* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Wendling*. Withdrawal of the rejection of dependent claim 20 under 35 U.S.C. §102(e) as being anticipated by *Wendling* is therefore respectfully requested.

- B. Examiner Phan rejected claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,161 B1 to *Wendling*

Claims 5 and 6 depend from independent claim 1. Therefore, dependent claims 5 and 6 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 5 and 6 are allowable over *Wendling* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling*. Withdrawal of the rejection of dependent claims 5 and 6 under 35 U.S.C. §102(e) as being anticipated by *Wendling* is therefore respectfully requested.

- C. Examiner Phan rejected claims 2, 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,161 B1 to *Wendling* in view of U.S. Patent No. 6,470,178 to *Cumming-Hill et al.*

Claims 2 and 3 depend from independent claim 1. Therefore, dependent claims 2 and 3 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2 and 3 are allowable over *Wendling* in view of *Cumming-Hill* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling*. Withdrawal of the rejection of dependent claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Cumming-Hill* is therefore respectfully requested.

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Claim 13 depends from independent claim 12. Therefore, dependent claim 13 includes all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claim 13 is allowable over *Wendling* in view of *Cumming-Hill* for at least the same reason as set forth with respect to independent claim 12 being allowable over *Wendling*. Withdrawal of the rejection of dependent claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Cumming-Hill* is therefore respectfully requested.

- D. Examiner Phan rejected claims 2, 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,161 B1 to *Wendling* in view of U.S. Patent No. 5,537,673 to *Nagashima et al.*

Claims 7-9 depend from independent claim 1. Therefore, dependent claims 7-9 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 7-9 are allowable over *Wendling* in view of *Nagashima* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling*. Withdrawal of the rejection of dependent claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Nagashima* is therefore respectfully requested.

Claim 16 depends from independent claim 12. Therefore, dependent claim 16 includes all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claim 16 is allowable over *Wendling* in view of *Nagashima* for at least the same reason as set forth with respect to independent claim 12 being allowable over *Wendling*. Withdrawal of the rejection of dependent claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Nagashima* is therefore respectfully requested.

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Claim 19 depends from independent claim 18. Therefore, dependent claim 19 includes all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claim 19 is allowable over *Wendling* in view of *Nagashima* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Wendling*. Withdrawal of the rejection of dependent claim 19 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Nagashima* is therefore respectfully requested.

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SUMMARY

The Applicant respectfully submits that claims 1-20 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain at issue that may best be resolved through a personal or telephonic interview, Examiner Phan is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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